

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2748

To condition the minimum-wage-exempt status of organized camps under the Fair Labor Standards Act of 1938 on compliance with certain safety standards, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2005

Mr. ANDREWS introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To condition the minimum-wage-exempt status of organized camps under the Fair Labor Standards Act of 1938 on compliance with certain safety standards, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Camp Safety Act of  
5       2005”.

1 **SEC. 2. REQUIREMENT FOR ORGANIZED CAMPS TO CON-**  
2 **TINUE MINIMUM-WAGE-EXEMPT STATUS.**

3 Section 13(a) of the Fair Labor Standards Act of  
4 1938 (29 U.S.C. 213(a)) is amended—

5 (1) in paragraph (3), by inserting “(subject to  
6 paragraph (18))” after “organized camp”;

7 (2) in paragraph (17), by striking the period at  
8 the end and inserting “; or”; and

9 (3) by adding at the end the following new  
10 paragraph:

11 “(18) an organized camp under paragraph (3),  
12 if such camp—

13 “(A) provides personal health, first aid and  
14 medical services, health supervision, and main-  
15 tenance of camp-related health records for  
16 campers;

17 “(B) adheres to standards for food prepa-  
18 ration safety that are as protective or more pro-  
19 tective than such standards recommended by  
20 the Food and Drug Administration;

21 “(C) adheres to applicable State and local  
22 standards regarding—

23 “(i) fire and building safety relating  
24 to the buildings and the occupants of  
25 buildings used by such camp; and

1                   “(ii) sanitation relating to camp per-  
2                   sonnel, buildings, and grounds;

3                   “(D) reports annually to the Secretary, on  
4                   a date prescribed by the Secretary, all incidents  
5                   resulting in death, injury, or illness, other than  
6                   minor injuries which require only first aid treat-  
7                   ment and which do not involve medical treat-  
8                   ment, loss of consciousness, restriction of activ-  
9                   ity or motion, or premature termination of a  
10                  camper’s term at the camp;

11                  “(E) provides access to the Secretary for  
12                  inspection or investigation of such camp under  
13                  section 3 of the Camp Safety Act of 2005;

14                  “(F)(i) conducts criminal background  
15                  checks of all camp employees for convictions  
16                  under Federal and State laws;

17                  “(ii) maintains a record of such checks for  
18                  at least 6 months after the date of termination  
19                  of such an employee’s employment; and

20                  “(iii) makes such records available to the  
21                  Secretary upon the request of the Secretary;  
22                  and

23                  “(G) maintains a ratio of at least 1 life-  
24                  guard for every 30 camper swimmers.”.

1 **SEC. 3. ENFORCEMENT BY SECRETARY OF LABOR.**

2 (a) IN GENERAL.—The Secretary of Labor shall  
3 monitor and enforce compliance of organized camps sub-  
4 ject to section 13(a)(18) of the Fair Labor Standards Act  
5 of 1938 (29 U.S.C. 213(a)(18)). In monitoring and en-  
6 forcing such compliance, the Secretary shall—

7 (1) implement a system for the routine report-  
8 ing of fatalities and serious injuries or illnesses;

9 (2) implement procedures for conducting in-  
10 spection and verifying information provided to the  
11 Secretary by such camps;

12 (3) investigate complaints received regarding  
13 such camps;

14 (4) require appropriate training, including  
15 knowledge of outdoor camping, for camp inspectors;  
16 and

17 (5) compile statistics based on the information  
18 in the reports required to be submitted by such  
19 camps under section 13(a)(18)(C) of such Act (29  
20 U.S.C. 213(a)(18)(C)); and

21 (6) based at least in part on the statistics com-  
22 piled under subparagraph (C), determine the areas  
23 in which additional safety standards are necessary  
24 and prescribe appropriate regulations.

1 (b) INVESTIGATIVE AUTHORITY.—In monitoring and  
2 enforcing compliance under subsection (a), the Secretary  
3 of Labor may—

4 (1) enter and inspect such a camp and its  
5 records, question the employees of such camp, and  
6 investigate facts, conditions, practices, or other mat-  
7 ters, to the extent the Secretary deems necessary or  
8 appropriate; and

9 (2) administer oaths and examine witnesses  
10 under oath, issue subpoenas, and compel the attend-  
11 ance of witnesses and other relevant records.

12 **SEC. 4. EFFECT ON STATE LAW.**

13 (a) EQUAL OR GREATER PROTECTION UNDER STATE  
14 LAW.—Section 13(a)(18) of the Fair Labor Standards  
15 Act of 1938 (29 U.S.C. 213(a)(18)) preempts a State’s  
16 laws regarding camp safety, unless the Secretary of Labor  
17 determines that such State’s laws provide substantially the  
18 same, or greater, protection for campers as such section,  
19 but such State’s laws are only preempted to the extent  
20 that the Secretary determines that they provide lesser pro-  
21 tection for campers than such section.

22 (b) JUDICIAL REVIEW OF DETERMINATION BY SEC-  
23 RETARY.—A State aggrieved by a determination under  
24 subsection (a) may bring an action in an appropriate

1 United States district court for review of such determina-  
2 tion.

3 (c) EFFECT OF COMPLIANCE WITH EQUIVALENT  
4 STATE LAW.—A person that complies with a State law  
5 which the Secretary of Labor has determined under sub-  
6 section (a) provides substantially the same, or greater,  
7 protection for campers as section 13(a)(18) of the Fair  
8 Labor Standards Act of 1938 (29 U.S.C. 213(a)(18))  
9 shall be deemed to have complied with the requirements  
10 of such section.

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